

ANDERSON KILL P.C.

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**SECOND FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD APRIL 1, 2018 THROUGH APRIL 30, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this second fee statement for the period April 1, 2019 through April 30, 2019 (the “**First Fee Statement**”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “**Orders**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through March 31, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Second Fee Statement, if any, are due by May 28, 2019.

Dated: May 16, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹ APPLICANT: Anderson Kill P.C.
CASE NO.: 18-27963 (MBK) CLIENT: Chapter 11 Debtors
CHAPTER: 11 CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

SECOND FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD APRIL 1, 2019 THROUGH APRIL 30, 2019

SECTION I
FEE SUMMARY

	<u>FEEs</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$149,639.50</u>	<u>\$ -0-</u>
TOTAL FEES ALLOWED TO DATE	<u>\$149,639.50</u>	<u>\$ -0-</u>
TOTAL RETAINER REMAINING	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY ANDERSON KILL ²	<u>\$149,639.50</u>	<u>\$ -0-</u>
 FEE TOTALS - PAGE 2	 \$34,854.50	
DISBURSEMENTS TOTALS - PAGE 3	<u>\$ 221.90</u>	
TOTAL FEE APPLICATION	\$35,076.40	

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
Mark D. Silverschotz (2019)	1981	Counsel/Bankruptcy & Insurance	3.70	780.00	2886.00
Cort T. Malone (2019)	2003	Shareholder/Insurance	41.50	715.00	29672.50
Raymond A. Mascia, Jr.	2010	Shareholder/Insurance	4.10	560.00	2296.00
Total Fees			49.30		\$34,854.50
Attorney Blended Rate				\$701.50	

SECTION II SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	FEE
Opposition to Relief from Stay of Insurance Case	0	\$0
Drafting and Responding to Discovery	0	\$0
Drafting and Responding to Objections	0	\$0
Drafting and Editing Briefing and Submissions	16.60	\$12,031.50
Claims Evaluation and Related Motion Practice	1.40	\$1,001.00
Prepare, Attend and Argue at Court Hearings	0	\$0
Settlement Negotiations, Agreements and Mediation	14.90	\$10,679.50
Insurance Case Work	15.30	\$10,304.00
Opposition to UST Appeal	1.10	\$838.50
SERVICE TOTALS	49.30	\$34,854.50

**SECTION III
SUMMARY OF DISBURSEMENTS**

	AMOUNT
Lexis Nexis Legal Research	\$221.90
TOTAL DISBURSEMENTS	\$221.90

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation regarding North River's and other insurance company claims;
- f) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and

- g) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

- (6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 16, 2019

/s/ Cort T. Malone
Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from April 1, 2019 through April 30, 2019

Anderson Kill P.C.

1251 Avenue of the Americas, New York, New York 10020-1182
(212) 278-1000 EIN: 13-2743351
E-Mail: Accounting@andersonkill.com

Randy Hinden
(c/o Howard Gross - Weinberg, Gross &
Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

DATE: May 15, 2019
MATTER: 102620.DDC02
INVOICE: 291148

MATTER: INSURANCE

Cort T Malone

INVOICE SUMMARY

Professional Services:	34,854.50
Costs:	221.90
	<hr/>
Total Current Invoice:	\$35,076.40
	<hr/>
TOTAL AMOUNT DUE:	<u>\$35,076.40</u>

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

May 15, 2019

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PROFESSIONAL SERVICES through 04/30/19

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
04/01/19	Call with NR counsel re mediator options. Follow up emails exchanged and calls with clients, JP, KQ, and other counsel. Further discussion and vetting of potential mediators and scheduling issues.	CTM	1.90
04/02/19	Follow up with Gilbert, clients, JP and NR counsel re upcoming mediation. Began prep work for same. Reviewed article re UST vs. FCR appeal. Continued research re NY duty to defend issues, new decisions.	CTM	2.90
04/02/19	Review of articles regarding client's opposition to UST appeal on Future Claimant appointment; email C. Malone re same (.3)	MDS	0.30
04/03/19	Reviewed amended insurance company settlements and emails exchanged Gilbert re edits to same. Meet RM re case issues, briefing re post-confirmation hearing issues. Follow up work re same. Emails exchanged Federal counsel re stip of dismissal of insurance case claims. Follow up re same. Worked with VM re expert claims evaluation materials and use of same, depo and testimony in briefing.	CTM	3.40
04/04/19	Emails exchanged re draft stip of dismissal from Federal. Continued research re NY law issues on duty to defend and potential insurance company rights to recoupment.	CTM	2.60
04/04/19	Attention to fee application issues respecting overage on ordinary course counsel status (.5)	MDS	0.50
04/05/19	Emails exchanged RM re draft dismissal stip. Follow up with Federal counsel re same. Detailed work re first fee application motion. Follow up work and emails exchanged re edits and information needed re same. Emails exchanged NR counsel re mediation materials needed. Emails exchanged Munich counsel.	CTM	3.40
04/05/19	Review and edit draft fee application (.7); email exchanges C. Malone regarding fee process issues (.3)	MDS	1.00
04/08/19	Emails exchanged JP re mediator issue. Follow up calls with JP/RH re same. Meeting and emails exchanged RM re JAMS ethics rules. Call with NR counsel re mediator issue. Follow up re same, including email report to clients.	CTM	1.80

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DURO DYNE CORP.

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DATE	DESCRIPTION OF SERVICES	INIT	HOURS
04/09/19	Call with NR counsel re mediator issue. Follow up with clients and CC counsel re same. Calls with NR and MY, and KQ, re same.	CTM	0.90
04/10/19	Emails exchanged with MY, clients, NR re mediator issues and follow up re same. Call with RH re same, case issues.	CTM	0.80
04/11/19	Emails exchanged NR counsel re Geronemus, other mediator options. Follow up with JP re same. Prep and call with client's new GC, Abby Wein. Detailed drafting and work on AK's first fee application. Emails exchanged JP/TF re same.	CTM	3.50
04/12/19	Call with NR counsel and follow up re mediator options. Emails exchanged JP/KQ re same. Emails exchanged with insurance case counsel re dismissal stips. Calls with Munich and Hartford counsel re same. Continued drafting and editing fee application and worked with LS re filing same. Worked with RM re review of invoices.	CTM	3.90
04/12/19	Email exchange C. Malone and J. Prol regarding today's filing (.3)	MDS	0.30
04/13/19	Follow up re mediator issues, bankruptcy post-confirmation hearing briefing. Reviewed briefs re same. Emails exchanged JP.	CTM	1.90
04/15/19	Emails exchanged and call with MS counsel re dismissal stip. Follow up re fee application with Lowenstein and MS. Research re NY allocation law issues. Emails exchanged KQ re mediation.	CTM	1.40
04/15/19	Conf. C. Malone and Lowenstein paralegal regarding amendment to ordinary course counsel papers (.3); conf. C. Malone regarding fee application process (.2)	MDS	0.50
04/16/19	Emails exchanged NR counsel re potential mediators. Emails exchanged re fee application status. Continued research re NY law, all sums allocation issue and recent decision.	CTM	1.00
04/17/19	Call with JP re case issues, mediator options, FOF/COL briefing. Follow up re same. Emails exchanged KQ re mediator option. Emails exchanged with NR and vetting of potential mediator, Tim Gallagher. Report to clients re same.	CTM	1.80

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DATE	DESCRIPTION OF SERVICES	INIT	HOURS
04/18/19	Emails exchanged JP and clients re mediator Gallagher and 5/17 date. Emails exchanged with mediator and NR re same. Follow up work re same.	CTM	0.60
04/18/19	Review of new decision regarding UST objection to FCR in Fairbanks case in Georgia (.3); emails J. Prol and C. Malone regarding Fairbaks opinion (.2)	MDS	0.50
04/19/19	Emails exchanged and work with RM re analysis of Asarco decision, impact on Duro Dyne case.	CTM	0.40
04/19/19	Reviewed recent decision regarding Viking Pump for use in analysis of applicability to Duro Dyne's coverage argument. Conferred with Cort Malone regarding the same.	RAM	0.50
04/21/19	Emails exchanged RM re Asarco case follow up.	CTM	0.10
04/22/19	Emails exchanged and meet with RM re Asarco case research and write-up. Follow up re same. Emails exchanged MS re case issues.	CTM	0.90
04/22/19	Follow up with C. Malone regarding North River mediation (.2)	MDS	0.20
04/22/19	Analyzed decision in ASARCO trust case and applicability to Duro Dyne's pending summary judgment motion against North River. Conferred by e-mail with Cort Malone regarding the same.	RAM	1.00
04/23/19	Continued work re Asarco case and reviewed article re same. Drafted detailed response to CC counsel query re insurance issues and payment of defense costs. Reviewed materials re same.	CTM	1.50
04/23/19	Continued analysis of decision in ASARCO trust case and applicability to Duro Dyne's pending summary judgment motion against North River. Prepared e-mail memorandum to Cort Malone regarding the same.	RAM	2.60
04/24/19	Emails exchanged with BL re recent filings. Edited notice filing re same. Draft response to client query re Asarco case decision. Emails exchanged NR counsel re mediation.	CTM	1.50
04/24/19	Follow up C. Malone regarding status of orders (.2)	MDS	0.20

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DURO DYNE CORP.

MATTER: 102620.DDC02

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DATE	DESCRIPTION OF SERVICES	INIT	HOURS
04/25/19	Emails exchanged client/LS re insurance issues and settling insurance companies' ongoing obligations. Emails exchanged and call with NR counsel and mediator re procedures and submissions for 5/17 mediation. Follow up with BL re recent filings and reviewed same. Emails exchanged JP re insurance company proposed submission language and defense obligation arguments.	CTM	1.90
04/25/19	Email exchange C. Malone regarding counsel issues (.2)	MDS	0.20
04/26/19	Emails exchanged re call Monday. Worked on reply filings re FOF/COL.	CTM	1.90
04/29/19	Call with JP/TF and Abby re insurance and bankruptcy questions and issues. Follow up with KQ re Federal reply to North River's settlement objections. Initial review of draft reply brief on FOF/COL.	CTM	1.50

TOTAL FEES: 34,854.50

FEE SUMMARY

	RATE	HOURS	TOTALS
Cort T Malone	715.00	41.50	29,672.50
Mark D Silverschotz	780.00	3.70	2,886.00
Raymond A Mascia, Jr.	560.00	4.10	2,296.00
TOTAL FEES:			34,854.50

COSTS through 04/30/19

DATE	DESCRIPTION OF COSTS	AMOUNT
01/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Jan 1 through Jan 31, 2 019	0.54
01/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Jan 1 through Jan 31, 2 019	5.38

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MATTER: 102620.DDC02

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MATTER: INSURANCE

DATE	DESCRIPTION OF COSTS	AMOUNT
01/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Jan 1 through Jan 31, 2 019	10.38
01/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Jan 1 through Jan 31, 2 019	10.38
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	34.06
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	93.08
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	0.21
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	0.42
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	0.42
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	6.16
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	8.47
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	16.93
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	3.40
02/28/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge Feb 1 through Feb 28, 2 019	8.47
03/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge March 1 through March 3 1, 2019	1.14
03/31/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge March 1 through March 3 1, 2019	22.46
TOTAL COSTS:		221.90

COSTS SUMMARY

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

May 15, 2019

INVOICE: 291148

MATTER: INSURANCE

DESCRIPTION	AMOUNT
LIBRARY & LEGAL RESEARCH LEXIS NEXIS	221.90
TOTAL COSTS:	221.90
TOTAL DUE:	\$35,076.40

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

May 15, 2019

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MATTER: INSURANCE

REMITTANCE COPY

Professional Services:	34,854.50
Costs:	221.90

Total Current Invoice:	<u>\$35,076.40</u>
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TOTAL AMOUNT DUE:	<u>\$35,076.40</u>
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PLEASE SEND YOUR REMITTANCE TO US AT:

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO:

Anderson Kill P.C.
1251 Avenue of the Americas,
New York, New York, 10020-1182

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBUS6S

KINDLY INDICATE:

CLIENT NUMBER:	102620
INVOICE NUMBER:	291148
YOUR FIRM NAME:	DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.